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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JUAN JOSE SANTILLAN, *individually and
on behalf of others similarly situated,*

Plaintiff,

-against-

**AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT**

CUSTOM STAINLESS STEEL CORP. (d/b/a
CENTER'S RESTAURANT EQUIPMENT),
and WALTER HENAO,

10 CV 3128 (FB) (MDG)

Defendants.

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MICHAEL A. FAILLACE, an attorney duly admitted to practice in New York and in this court,
affirms on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I represent Plaintiff Juan Jose Santillan ("Plaintiff"), *on behalf of himself and
others similarly situated* ("Plaintiffs"), in this lawsuit for unpaid wages under the FLSA and New
York Labor Law and regulations. I submit this affirmation in support of Plaintiff's application
pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.1, for a Certificate of Default against the
Defendants Custom Stainless Steel Corp. (d/b/a Center's Restaurant Equipment) and Walter
Henao, for failure to appear in this action.

2. Plaintiff commenced this action by filing his Complaint (and associated
documents) on July 8, 2010. A true and correct copy of the Complaint is attached hereto as

“Exhibit A.” This action was commenced on July 8, 2010 pursuant to the Fair Labor Standards Act and the New York Labor Law, as stated in the Complaint, to collect unpaid wages, overtime, and statutory liquidated damages, costs, attorney’s fees, and interest thereon.

3. A summons and copy of the complaint was properly served on Defendant Custom Stainless Steel Corp. (d/b/a Center’s Restaurant Equipment) on July 29, 2010; and on Walter Henao on July 29, 2010. True and correct copies of the summons with affidavits of service for Defendants Custom Stainless Steel Corp. (d/b/a Center’s Restaurant Equipment) and Walter Henao are attached hereto as “Exhibits B” and “C”, respectively.

4. Defendants did not answer or otherwise respond to the Complaint.

5. Upon information and belief, Defendant Walter Henao is neither an infants, in the military, or an incompetent person.

6. The time within which the Defendants Custom Stainless Steel Corp. (d/b/a Center’s Restaurant Equipment) and Walter Henao may answer or otherwise move with respect to the complaint herein has expired; said Defendants have not answered or otherwise moved with respect to the complaint, and the time for said Defendants to do so has not been extended.

7. The Plaintiff therefore respectfully requests that the clerk issue a Certificate of Default against all Defendants.

Dated: New York, New York
December 21, 2010

MICHAEL FAILLACE & ASSOCIATES, P.C.

By: /S/ Michael Faillace
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